



August 7, 2017

Administrator Scott Pruitt  
U.S. Environmental Protection Agency (EPA)  
200 Pennsylvania Avenue, NW (Mailcode 4502T)  
Washington, DC 20460

Re: Definition of Waters of United States - Recodification of Pre-Existing Rules  
Docket Number: EPA-HQ-OW-2017-0203

Filed electronically via regulations.gov

Dear Administrator Pruitt:

I am writing on behalf of the Natural Resources Council of Maine (NRCM). NRCM is Maine's largest environmental advocacy group with more than 20,000 members and supporters. NRCM strongly supports the 2015 Clean Water Rule. We strongly oppose your proposal to repeal this rule and replace it with the regulatory regime that existed prior to 2015 and that EPA continues to enforce now due to the Sixth Circuit's stay on the 2015 rule. EPA did years of research and consulted with many water quality experts in developing the 2015 rule. It compiled an extensive scientific record. EPA has no basis in science to rescind this rule, and therefore, its proposal to do so is arbitrary and capricious. NRCM urges EPA to allow the 2015 rule to work its way through the courts, which we believe will uphold its provisions.

The clear protections in the 2015 Clean Water Rule benefit streams and wetlands that are critical for the health of both U.S. and Maine waters. More than 400,000 people in Maine drink water provided by utilities that rely on surface water supplies<sup>1</sup>. Protecting the small tributary streams and wetlands upstream from these water supplies is critical to keeping them clean, and the 2015 Clean Water Rule will help do this.

The small streams and wetlands across our state that the 2015 Clean Water Rule would protect also boost our outdoor recreation, hunting, and fishing industries. In 2011, the most recent data available showed people spent nearly \$600 million to fish and hunt in Maine<sup>2</sup>. Small streams provide critical habitat for the king of all Maine sport fish: brook trout. Maine's many small wetlands filter pollutants that would otherwise harm the clean water brook trout need to survive.

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<sup>1</sup> Accessed at <http://www.maine.gov/dhhs/mecdc/environmental-health/dwp/sitemap/surfaceWater.shtml>

<sup>2</sup> U.S. Fish and Wildlife Service. 2011. National Survey of Fishing, Hunting, and Wildlife-Associated Recreation: State Overview. Pp.18, 20. Accessed at: <http://digitalmedia.fws.gov/cdm/ref/collection/document/id/858>

They also provide very productive habitat for waterfowl and make Maine a great place to duck hunt.

Protecting wetlands, even those that may appear isolated, also helps prevent flooding. When wetlands fill during a storm event, they take up water that would otherwise potentially cause flooding in downstream waterbodies. Protecting wetlands – even apparently isolated ones – is one of the best ways to keep Maine communities safe from flooding. The frequency of large precipitation events has increased in recent years and will likely continue to increase as a result of climate change. This makes wetland protection even more important to prevent flooding.

In conclusion, NRCM strongly supports the 2015 Clean Water Rule. We believe this proposed rule will help protect Maine’s clean water, its outdoor recreation industries, and its citizens. We strongly oppose EPA’s proposal to rescind this rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Bennett". The signature is written in a cursive, flowing style.

Nick Bennett  
Staff Scientist